

# Quid Novi

Vol. X, No.8

McGILL UNIVERSITY FACULTY OF LAW  
UNIVERSITE MCGILL FACULTE DE DROIT

October 25 , 1989  
le 25 octobre 1989

## La science au service de l'homme... et la femme au service de la science

par Johanne Poirier, BCL III

Suite à l'analyse formelle du film Portion d'éternité, réalisée par Jean-Philippe Gervais dans le *Quid Novi* du 10 octobre dernier, je tiens à ajouter quelques commentaires abordant la question d'une autre perspective.

Je suis essentiellement d'accord avec son analyse de l'atmosphère, des dialogues et de l'approche cinématographique mi-documentaire, mi-scientifique du film. Mes réflexions découlent plutôt d'un questionnement féministe du phénomène décrit, soit celui des nouvelles technologies de reproduction.

Le désir maladif de vouloir contrôler, de dominer la nature et la vie caractérise l'approche scientifique et même religieuse de l'Occident, depuis au moins l'Age de Raison. Les philosophes et scientifiques qui préconisent la maîtrise du monde par "l'homme" sont, justement des "hommes". Le film de Favreau illustre bien qui sont les maîtres à penser ainsi que les "preneurs de décisions" dans ce film. Que ce soit dans le laboratoire, dans les bureaux des compagnies misant sur la manipulation génétique ou à l'hôpital, les hommes prennent les décisions.

Bien sûr, ici, c'est la femme qui insiste pour subir les divers tests et interventions afin de concevoir un enfant. Le fait que

dans notre société les femmes doivent souvent attendre d'être "établies" dans une profession avant de concevoir, a une influence négative et importante sur leur fécondité. Certains moyens de contraception (le stérilet et les anovulants entre autres) ainsi que les M.T.S. qu'on ne se fait pas une priorité sociale d'enrayer (tel le chlamydia), contribuent aussi fortement à la difficulté de concevoir.

L'ironie dans le film de Favreau est que c'était le mari qui était infertile. On comprend sa gêne lorsqu'il doit remettre une fiole de sa "récolte" à une technicienne pour les tests et pour la fertilisation in vitro. On a de l'empathie lorsqu'il se sent exclu du processus de procréation. On partage son désarroi lorsqu'il exprime son aliénation dans sa murale sur laquelle ses pauvres spermatozoïdes se perdent dans la nuit.

Cependant, l'expérience de la femme est, selon encore plus tragique. Affamés d'ovules pour conduire leurs expériences, les médecins et chercheurs lui imposent un régime de surproduction d'ovaires qui la rend malade et met sa vie en danger. On la traite comme un récipient ou comme un poule aux oeufs d'or lorsqu'elle se retrouve sur une civière manipulée par des mains humaines (et masculines) et des instruments d'espoir ou de torture (dépendant des points de vue). On la brusque, on la bouscule, on ne lui explique pas ce qui se passe et pourquoi certaines techniques sont

utilisées. En fait, aurait-elle accepté la dernière procédure d'implantation de cinq embryons si on lui avait expliqué que c'était son mari qui était infertile et qu'une "simple" insémination artificielle par donneur aurait probablement permis la conception d'un enfant?

N'ayant aucun respect pour l'intégrité de cette femme, le monde médical profite d'elle pour obtenir une matière première, des ovules, leur permettant de jouer à Dieu. On utilise son corps alors que c'est encore nécessaire, tout en travaillant à construire un utérus artificiel qui finalement libérera l'homme de son besoin de la femme, qui le rendra aussi puissant qu'elle dans la conception d'un

suite p.5

### INSIDE THIS ISSUE DANS CE NUMERO

Announcements .....	p.2
Carreers: Working for a superior court judge.....	p 3
Le pouvoir du souvenir.....	p 3
C.A.D.E.D. au travail.....	p 5
Keeping an Eye on Moscow.....	p 7
Doppelgaenger.....	p 8
Un été contentieux.....	p 10
"Grammer" .....	p 10
Coin des sports corner.....	p 10



# ANNOUNCEMENTS

## Forum National

Forum National is pleased to announce that Mr. William Johnson, Political Columnist of the Montreal Gazette will speak on "Post-Election Quebec: The Next Five Years," on Wednesday, October 25th at 12:00 in Room 202.

\*\*\*\*\*

## Legal Aid

Tour of the Palais de justice de Montréal postponed to the 26th of October. Rendez-vous au Palais de Justice (St-Laurent at Autoroute Ville Marie; métro Champs de mars) à 14h00.

\*\*\*\*\*

## Apple MacIntosh Hard Disk Drive for Sale

The computer committee has an unused 20SC Megabyte Apple MacIntosh hard disk drive that it wishes to sell. The purchase price for this drive was \$874.18. Its AppleCare warranty expires on February 9, 1990. Anyone interested in submitting a purchase bid for this disk drive can do so in a sealed envelope addressed to:

The Computer Committee Box  
Apple Drive Purchase Bid  
LSA Office  
3644 Peel

Please include your name and telephone number with the bid. Bids must be received by noon of October 25, 1989. The highest bid will be given the opportunity to purchase the drive.

\*\*\*\*\*

## Careers Announcement

The Careers Committee and the Placement Office are pleased to present the following careers conference:

"Legal careers in public interest agencies," October 25, 12:00 p.m., Room 201. Speakers will be Murraray Mollard (who has conducted a survey on public interest groups in Canada) and Martha Shea of the Outremont Legal Aid Clinic. P.S. Don't forget that the Placement Office is always open Wednesday 9:00-10:00, 12:00-1:00 and Thursday 12:00-2:00. For access at other times see Suzanne Roy Gasperec (Admissions) or Professor Jutras.

\*\*\*\*\*

## Interested in Computers?

A recent article in the September issue of the National made the following statement:

"Law firms of the 1990s will be looking for lawyers who know their legal specialty as well as how to make technology work for them. The typical 1990s advertisement for a lawyer will ask for computer competence as an important qualification."

If you do not wish to be "left in the dust" during the 1990s, learn about computers while studying law - join the Faculty of Law's computer committee. Our first meeting will be held in Room 203 on Wednesday, October 25 at 1:00 p.m. Be there or be square (it is rumored that a member of the world famous COOL MONSOONS will be in attendance and will be signing autographs and serving pizza).

\*\*\*\*\*

## Native Issues Conference

**General Meeting:** October 25, 12:15, Room TBA.

An independent group of students and InterAmicus are organizing a conference titled "Conflict, Self-Determination and Native Peoples; Searching for Common Ground." The conference will host a variety of dynamic speakers (lawyers, native leaders, etc.) currently on the "front line" of the issues.

We need your help! To refine the program, to fund-raise, to publicize, to take care of those niggling details... Call Anjali (482-1634) or Andrea (282-9188), or leave us your name and phone number on the sign-up sheet on the Lawyers for Social Responsibility Bulletin Board near the cafeteria.

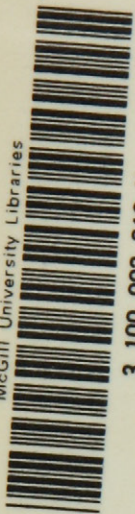
\*\*\*\*\*

## Tasses QPIRG Mugs Now available at SADIE'S!

\*\*\*\*\*

## Parking at the Faculty

Students who drive to school are well aware of the parking problems around Old Chancellor Day Hall. Despite clear indications stating that the parking area is reserved for permit holders, several persons are still using the parking lot without permission, thus making access to the building very difficult on most days. The problems resulting from this abuse are numerous: Canada Post does not deliver mail, suppliers are unable to make deliveries and, should there ever be an emergency like fire or the need for an ambulance, it is unlikely that access to the building could be gained rapidly. A





# Careers: Working for a Superior Court Judge

by Zino Macaluso, BCL III

I was fortunate this summer to have the opportunity of working as a summer student for several judges of the Superior Court. I was one of 8 students representing a French/bilingual university either in Québec or Ontario. This group formed "Challenge '89", a program aimed primarily at third year law students interested in familiarizing themselves with how the judicial process functions in Québec.

The first thing that struck me about the program was how disorganized it was. On our first day, no one had a clue as to who we were or what we were doing there. After the students were introduced, we were led to an office where our desks had been placed. Chairs, we were assured, would be provided forthwith. Keys to the doors, libraries and photocopying machines were not supplied until the end of our third week.

After being assigned our judges (each student officially had two) we were sent to meet them. Of course, they also were unaware of our identities. In sum, the most significant act we performed this first day was when we "did lunch". In a way, the disorganization seemed comforting. If we didn't know what we were doing, that was alright - no one else did either.

Soon enough, however, assignments were delegated. As it turned out, 80% of my work was research. I was instructed to present "opinions" on various issues. After my research was done, I would present both an oral and written presentation simultaneously. For this reason, I saw my judges on almost a daily basis.

A further 10% of my work entailed the actual writing of judicial decisions ("mock judgements"). Here, I had to attempt to effectively settle a real life dispute between the parties as a judge would. This, for me, was the most

exciting part of the job. The judge would either follow/not follow the recommendation proposed.

Since a judge deals with massive amounts of paperwork, 5% of my job consisted of keeping my judges' files (i.e. previous decisions rendered, letters, etc...) up to date. Each successive summer student is called on to undertake this task for a year's worth of material. Eventually, the student gives up when his/her sanity becomes a fluid concept.

Finally, the remaining 5% of my time was filled with summarization and translation of English decisions into French for a particular judge's personal records. One of my colleagues spent her entire summer doing this type of work and never touched a "live" file. This was the most tedious aspect of the job.

The selection of judges for the students was executed in such a way that the students would receive as diverse an

cont'd. p.5

## Le pouvoir du souvenir

par Véronique Bélanger, BCL III

Le 4 octobre dernier avait lieu à McGill une conférence organisée par les Avocats en faveur d'une conscience sociale, ayant pour thème le printemps de Pékin et ses conséquences.

Nous avons rapporté la semaine dernière les propos tenus par les deux premiers conférenciers invités, Mme Szacka, journaliste à Radio-Québec, et M. Gabriel Regallet, membre d'Amnistie internationale.

Nous concluons cette semaine en résumant les propos de M. Cotler qui a fait une critique de la réaction gouvernementale canadienne et a soumis une liste de propositions visant à doter le Canada d'une politique extérieure cohérente et responsable vis-à-vis la Chine.

Selon M. Cotler, la position canadienne actuelle est influencée par trois conceptions fondamentales qui sont erronées. D'abord, les événements de juin ne relèvent pas uniquement des affaires internes de la Chine. Les

nombreuses conventions sur les droits de la personne adoptées par les Nations Unies ont eu pour effet d'internationaliser les droits de la personne. Toute violation flagrante des

suite p.6

### QUOTES OF THE WEEK

Professor Tetley in praise of his graduating year at Laval:

"Out of 19 persons in my law class two went to the Supreme Court...two went to jail...and seventeen got elected to various (political appointments)...nobody worked! It was a great class, a vintage year."

Professor J.E.C. Brierley in Successions:

"Shall we pass on?"

Professor J. Durnford in Tax:

"As a professor, I have to cut my own grass."



*Quid Novi* is published weekly by students at the Faculty of Law of McGill University, 3644 Peel Street, Montreal, H3A 1W9. Production is made possible by support of the Dean's office and by direct funding from the students. Opinions expressed are those of the author only. Contributions are published at the discretion of the editor and must indicate author or origin.

Editors-in-Chief / Ron Lauenstein  
Rédacteurs-en-chef Dan Urbas

English Editor / Patricia Armstrong  
Rédactrice anglaise

French Editor / Jean-Philippe Gervais  
Rédacteur français Eve Saucier

Production Managers Michael Kleinman  
Gerants de production Caspar Landolt  
Valérie Héroux

Arts Editor / Darcy Edgar  
Rédactrice artistique

V.P. Finance / Marie-Claude Rigaud  
V.P. finaaance

Subscriptions/ Valérie Héroux  
abonnements Marie-Claude Rigaud

Typist/Dactylo Michelle Marsellus  
Genevieve Saumier

Contributors/ Véronique Bélanger  
Participants Darcy Edgar  
James Hughes  
Judith Knight  
Pierre Larouche  
Zino Macaluso  
Johanre Poirier  
François Roberge  
Genevieve Saumier  
Brian Shiller

*Quid Novi* est une publication hebdomadaire assurée par les étudiants de la faculté de droit de l'université McGill, 3644 rue Peel, Montréal, H3A 1W9. La publication est rendue possible grâce à l'appui du bureau du doyen, ainsi que par le financement individuel des étudiants. Les opinions exprimées sont propres à l'auteur. Toute contribution n'est publiée qu'à la discrétion du comité de rédaction et doit indiquer l'auteur où son origine.

## Announcements, cont'd. from p.2

week ago, deliveries from catering services and the university printing shop were repeatedly postponed because of illegal parking in front of the Faculty. Consequently, and until the gate is once again fixed, persons who insist on parking their vehicles illegally on faculty property should be warned that stickers will soon be affixed to the windshield of their vehicles.

Suzan Roy  
Building Director.

\*\*\*\*\*

## LAW GAMES / JEUX RIDIQUES

Registration / Inscription

All week in the Pit and 12:00 to 2:00 p.m. in the Moot Court on Wednesday, October 25.

\*\*\*\*\*

## Third Annual Sharansky Lectureship in Human Rights.

The McGill Faculty of Law and InterAmicus will present Professor Tom Buergenthal, judge of the InterAmerican Court on Human Rights and leading international human rights scholar, who will deliver a lecture on the International Human Rights Revolution. This event will take place Wednesday, November 1st at 5 p.m. in the Moot Court.

\*\*\*\*\*

The Center for Research in Air and Space Law will present a symposium on **Space without Weapons** on 25-27 October in the Moot Court. Several speakers from Canada, France, the F.D.R., the United States and the U.S.S.R. will be participating in this event. The closing speaker will be Ambassador de Montigny Marchand. For further information, call 398-3544.

\*\*\*\*\*

Inspired by the success of The Cool Monsoons, there is enthusiasm for the

possibility of forming another such band. A meeting for anyone and everyone interested will take place in room 203 on Wednesday, October 25 at 12:00 noon. If you are interested but cannot make the meeting, leave a message in the mail box of the first year president LLB, Brian Fell, in the LSA office.

\*\*\*\*\*

There will be a meeting of the Fundraising Committee on Thursday, October 26 at 12:00 noon in the LSA office. Je demanderais aux groupes et comités suivants d'envoyer un(e) représentant(e) à cette réunion très importante:

LSA/A.É.D.  
Law Journal/Revue de droit  
Quid Novi  
Skit Night  
Yearbook  
Sports  
Forum National  
L.S.R.

Pour confirmer votre présence ou pour plus de renseignements, s'il-vous-plait communiquer avec Anthony Fata.

\*\*\*\*\*

Did you ever wonder what goes on at LSA Council meetings? Pour les intéressés, les procès verbaux des réunions de l'A.É.D. seront dorénavant affichés au babillard de l'association.

\*\*\*\*\*

## In the Library

The L.S.A. Budget is now on reserve.

Toutes les parutions du *Quid Novi* depuis son inauguration sont maintenant disponibles pour fin de consultation à la bibliothèque - les plus récentes parutions sont à la réserve.

\*\*\*\*\*

## Yearbooks have arrived

...and are being distributed. Speak to  
cont'd. p.9



# ATTENTION, C.A.D.E.D. AU TRAVAIL !!

Par : Pierre Larouche, LL.B. IV

La Confédération des associations des étudiantes et étudiants en droit (C.A.D.E.D.), dont votre A.É.D. / LSA favorite fait partie, a repris ses activités pour cette année. Il y a déjà eu deux réunions, le 15 septembre et le 6 octobre derniers.

Tout d'abord, quant à l'accès des étudiant(e)s en droit à la Bibliothèque du Barreau de Montréal, les pressions concertées de la C.A.D.E.D., de ses associations membres, de l'A.C.É.D. / CALS et de l'Association du Barreau canadien - division du Québec(ABC-Q), ont porté fruit. Le Conseil du Barreau de Montréal a décidé de permettre l'accès à sa bibliothèque aux étudiant(e)s muni(e)s, et je cite, «d'un certificat

original, émanant du bibliothécaire de la bibliothèque de sa faculté ou de son université, signé par ce dernier et confirmant que le réseau des bibliothèques universitaires ne possède pas l'ouvrage requis par l'étudiant dans le cadre d'un travail de recherche.» Les étudiant(e)s pourront alors consulter l'ouvrage et en obtenir des photocopies aux frais usuels. Ceux et celles qui seraient intéressé(e)s à bénéficier de cette permission devraient s'adresser au libraire de référence, de 9h à 17h, du lundi au vendredi.

Par ailleurs, le 6 octobre dernier, plusieurs bureaux d'avocats de Montréal ont bravé l'approche du congé de l'Action de grâces et ont envoyé des représentant(e)s à une réunion avec la C.A.D.E.D. Il s'agissait de la suite de la réunion du 12 mai dernier, où la

C.A.D.E.D. avait proposé d'instaurer un système de dates fixes et d'appariement pour le processus d'embauche à Montréal. Cette fois-ci, les résultats n'ont pas été tout à fait à la hauteur des attentes. Les bureaux présents ont exprimé des réserves, allant jusqu'à l'opposition, à l'égard de l'appariement. Il semble, en termes diplomatiques, que l'appariement ne puisse être envisagé dans un avenir proche, à tout le moins. Par contre, les bureaux présents s'entendaient tous sur la pertinence d'un calendrier de dates fixes pour les entrevues. Selon les propositions de la C.A.D.E.D., ces entrevues auraient alors lieu en février, et les offres seraient toutes faites au début mars.

Un bref tour de table des participants a permis de constater qu'il

suite p.6

## La Science..., suite de la p.1

être humain.

A la fin du film, Paul Savoie devenu confus accepte qu'on détruise les clones qu'il s'est ingénié à fabriquer mais ne peut poser le geste lui-même. C'est la fonctionnaire, non-scientifique mais perspicace et (est-ce une coïncidence?) une femme, qui met fin à cette expérience terrifiante.

Les scientifiques sevrés à la philosophie de l'Age de Raison ne parviennent pas à refuser de développer leur savoir ou à contrôler leur désir/besoin de maîtriser le monde et la nature. Ce ne sont pas non plus les entreprises qui profitent de l'angoisse des couples infertiles pour manipuler l'espèce humaine et les millions qui établissent des paramètres de permissibilité. Les règles et les hommes qui les appliquent ne sauront provenir que des instances juridiques et politiques qui trop souvent abdiquent leurs responsabilités. Ce n'est plus possible. Le film de Favreau en est un témoignage éloquent.

## careers, cont'd. from p.3

experience as possible. In three months, I dealt with family, criminal and labour law. My most exhaustive assignments, however, were in the corporate/administrative field. In fact, at the end of my "stage", I had earned the nickname "injunction man".

I should say a brief word about remuneration received and hours put in. Typically, I would work 9 to 10 hours a day. On only 2 occasions did I receive a rush job obliging me to stay until the early morning hours. Unfortunatley, travel expenses and overtime were not paid, but at this point we were all working for the experience anyway. In fact, I believe this is the first summer in my working history where I actually "lost" money.

In the end, though, I was fortunate that my judges were excellent and that I did learn quite a bit about how our judicial process works. I even had the added benefit of free access to SOQUIJ terminals. The fact that my judges were hard-working and perfectionists only pushed me to create a greater end product. They were always cordial,

patient and understanding. Overall, I regard the time I spent at the "Palais de Justice" as an incredible opportunity and learning experience which I would readily recommend.

This being said, I would like to conclude this article by pointing out two very important lessons I learned during my stay at the Palais:

1. Beware of the cafeteria food - it's made up of leftovers from WW II, lazily prepared.
2. Beware of government employees who work in the records office in the basement of the Palais. They are trained to thwart any attempt which would oblige them to actually work. A deceptively effective answer to any plea for assistance will be met with: "Ça prend deux jours monsieur."

**P.S. Don't forget the Placement Office is always open Wed. from 9-10, 12-1 and Thurs. 12-2. For access at other times see Suzan Roy (admissions) or Prof. Jutras. See the Announcements section for other news from the Placement Office.**



### Pouvoir, suite de la p.3

droits de la personne représente par définition une menace pour la paix mondiale. Il s'ensuit que la condamnation de telles violations tombe dans le champ de compétence du Conseil de sécurité des Nations Unies.

En second lieu, il est faux de croire, selon M. Cotler, que toute sanction adoptée contre la Chine serait inefficace. En effet, il existe des exemples de la sensibilité de la Chine à des pressions exercées par l'opinion publique internationale. Ainsi, en vue de sa visite à Washington en 1979, Deng Xiaoping avait accepté de relâcher certaines règles en matière d'émigration. De même, à la suite des pressions exercées par le maire de Paris, Jacques Chirac, lors de sa visite en Chine en 1978, trois dissidents avaient été relâchés et réhabilités en 1979. D'ailleurs, les organismes voués à la défense des droits de la personne se penchent rarement sur le cas de la Chine, et donc, si la Chine peut sembler ne pas répondre aux pressions internationales, c'est plutôt à cause de l'absence de ces dernières qu'à cause de leur inefficacité.

A l'instar des deux autres conférenciers, M. Cotler a souligné, en troisième lieu, la nécessité de montrer aux dirigeants chinois que la répression du mouvement de réforme ne resterait pas sans écho. En plus d'encourager d'éventuelles voix plus modérées à se faire entendre à l'intérieur même du parti, une politique étrangère basée sur le respect des droits de la personne servirait à témoigner de l'innocence des victimes de la place Tien'Anmen et de la volonté du Canada de dénoncer toute atteinte aux droits de la personne.

Dans cette optique, M. Cotler, dès le mois de juin, a fait dix recommandations au ministre des affaires extérieures, Joe Clark:

1. Saisir les instances internationales du cas de la Chine, et en particulier, le Conseil de sécurité;
2. mettre sur pied un plan multilatéral d'action politique, de concert avec les États-Unis et les états européens;
3. mettre sur pied un plan multilatéral d'action économique;

4. suspendre les exportations de matériel de haute technologie vers la Chine;
5. dresser l'inventaire de tous les accords de coopération entre le Canada et la Chine afin de développer une politique coordonnée de sanctions;
6. suspendre les programmes bilatéraux d'aide économique;
7. encourager le gouvernement britannique à reconsidérer l'entente visant à céder Hong Kong à la Chine;
8. continuer de témoigner des violations flagrantes des droits de la personne commises en Chine;
9. encourager le gouvernement chinois à permettre l'émigration de tous les individus ayant des parents au Canada; et
10. rassurer les citoyens chinois de séjour au Canada que toute demande d'immigration sera traitée de façon strictement confidentielle.

## THANK YOU!!

James D. Hughes, Jordan Waxman, Marie Lussier, Glenn McDonald, Anthony Fata, Evelyn Jerassy, Pierre Larouche, Darcy Edgar, Jean-Phillipe Gervais, Brian Shiller, Jay Spare, David Wallbridge, Maryse Beaulieu, Jeffrey Rudolph, John Sypnowich, Véronique Bélanger, Juli Abouchar, Fraser Baird, Stéphane Ethier, Bram Freedman, Frank Picciola, Eve Saucier, Drew Berman, Cameron Young, Julia Hanigsberg, Marie Normandin, Brian Cohen, Susan Abramovitch, Zino Macaluso, Maria Yang, Robert Fabes, Hanson Hosein, Judith Knight.

### C.A.D.E.D., suite de la p.5

était déjà trop tard pour mettre en place un calendrier de dates fixes pour 1989-1990. Certains bureaux ont même déclaré, le plus sérieusement du monde, avoir déjà terminé leur recrutement pour cette année, ce qui a provoqué des soupirs de la part des autres bureaux et des exclamations non feintes et non retenues du côté des étudiant(e)s. Tous seraient cependant prêts à respecter un tel calendrier pour l'année 1990-1991. Le hic (car les étudiant(e)s l'ont

Who are these thirty-three people? They are the illustrious contributors to the Faculty's bastion of journalistic expression ... the *Quid Novi*.

We, the editorial board, would love to see your name added to the list.

rapidement appris, il y a toujours un hic) demeure que certains bureaux ne font pas confiance à leurs collègues et requièrent que toute entente soit supervisée par le Barreau. Une telle réaction ne peut qu'étonner, venant d'avocats et d'avocates qui, après tant d'années de pratique, devraient avoir une conception de la force des ententes et de la nature des sanctions qui dépasse celle des quidams. Le Barreau, malheureusement, ne paraît pas particulièrement pressé d'aider les étudiants et les bureaux à solutionner les problèmes de l'embauche, même si ceux-ci sont d'accord sur les mesures à prendre et ne lui demandent que de les adopter. Le Barreau n'a même pas répondu à l'invitation qui lui avait été faite d'assister à la réunion du 6 octobre. L'avenir est donc au noir radieux dans ce dossier.

La C.A.D.E.D. se réunit à nouveau le vendredi 20 octobre, pour explorer les moyens de convaincre le Barreau de se mouiller. Les associations membres tiendront en même temps leur réunion semi-annuelle avec l'ABC-Q, dont la collaboration a été fort appréciée dans le dossier de la bibliothèque du Barreau. Il y a fort à parier que d'autres conférences organisées conjointement par l'A.É.D. / LSA et l'ABC-Q (comme celle sur les techniques d'entrevue en février dernier) auront lieu cette année.

Les membres du Conseil et de l'Exécutif de votre A.É.D. / LSA continuent de travailler pour vous sur ces dossiers. Vos commentaires sont les bienvenus.

... Waiting for you ...



# KEEPING AN EYE ON MOSCOW

By Brian Shiller, LLB IV

## Soviets Struggle With New Definition Of Property

As the USSR continues to reform its economy under the policy of perestroika, what may be considered *the* fundamental question is now being debated as a serious alternative to existing law: should Soviet citizens have the right to private ownership of property?

Debate in the Soviet legislature is likely to be intense because the reforms may allow for wide spread private ownership - especially privatisation of the means of production. If privatisation occurs, the USSR will make its greatest departure from socialism to date. Marxist theory leaves no room for the concept of private ownership.

It was six months ago that Mr. Gorbachev pushed for the creation of a parliament in Moscow in an effort to enact the volumes of perestroika legislation. Now comes the task of debating how present Soviet property laws can be changed so that the failing State-controlled economy can be replaced with a regulated market-place economy. Accordingly, the debate is between reform-minded, market-oriented economists and hard-line bureaucrats seeking to preserve ideological stability.

Members of the Soviet legislature's Committee on Economic Reform have been given the task of drafting new property laws while maintaining the USSR's socialist identity. It is quite clear, however, that contrary to Marxist theory, most proposals will include words that describe private ownership - without using such words specifically. The leading alternative draft proposal

calls for reforms that create new property rights such as domestic joint-ventures and cooperatives.

The draft proposal will also include legislation allowing for "individual property" - essentially private business, which will be small, but commercial nonetheless. This means that Soviet citizens would be permitted to open their own stores or family-owned farms. While the proposal falls short of calling for large-scale private Capitalism, it does provide for the infusion of small-scale private business. Additionally, the draft legislation will outline how workers can buyout State-owned businesses and provides for stock-ownership schemes.

One liberal proposal calls for a law on leasing whereby a lease contract can be established affording citizens the right to lease commercial enterprises and eventually buy them. Under present Soviet law, small scale private ventures (called "cooperatives") exist as a two-year experiment, but citizens are not permitted to own any of the property they use, it must be leased from local authorities. These private ventures have, for the most part, been unsuccessful as some of the enterprises have taken advantage of shortages to charge exorbitant prices for goods. This experiment falls short of transferring the means of production in any real sense and does not provide for private ownership. Liberal reformers feel that the lease contract affords the opportunity for a smoother transition from a state-controlled economy to a market-oriented society. If the liberal reformers have their way, lease contracts could be big business in the 1990's.

Another significant aspect of property law reform is the proposal for a law on republican and regional autonomy. Since the early days of perestroika and glasnost, the Soviet Republics have cried out for greater autonomy. The Baltic states have insisted that all property that is local should be owned locally. The

problem is that the Soviet Union is vast and diverse and the creation of property laws to satisfy all the Republics is hardly imaginable.

Traditional Marxist-Leninists will fear a reform policy that includes concepts such as personal property; concepts that have been regarded as "anathemas of orthodox Leninist faith". Marx insisted that it was the private ownership of the means of production that would lead to exploitation of the masses and, ultimately, the decline of society. His belief was that the exploited workers would rise up and seize the means of production and organize a socialist system whereby society as a whole would own the means of production. Accordingly, a moderate proposal calls for little change in existing laws. Most notably, it does not provide for worker ownership or private ownership of businesses. Consequently, it seeks to maintain the status quo.

It should be remembered that Gorbachev's perestroika is not written in stone. Rather, it is a policy that continually evolves as mistakes are made and alternatives are canvassed. At the present time, Gorbachev's intentions are not clear. While he has demonstrated his willingness to use perestroika to affect drastic changes in Soviet law, he is obviously reluctant to deviate from Marxist-Leninist principles to any great extent. It must be remembered that, like his predecessors, Gorbachev is a Marxist first. To that end, the infusion of a market-place economy is no easy task and would be a massive ideological deviation on his part.

On the other hand, perestroika and glasnost have made profound inroads in the USSR. The only way that new thinking can have any lasting impact on the USSR is if the economy can be rejuvenated in some way. There exists ample precedent to illustrate that communism has failed in terms of

cont'd. p. 9



# \* Doppelgaenger \*

by Darcy Edgar, LLB II

Blickpunkte, meaning more or less "point of view", is a series of events sponsored this month by the Goethe Institute, Montreal, and an exhibition of contemporary art organized in collaboration with the Musée d'art contemporain. German art of the twentieth century, like that of any other European nation, suffered a tremendous rupture in the second world war. Many of its principal artists, writers, and sectarians were murdered, silenced or exiled, never to return. Although split in two, modern Germany has experienced an unexpected economic, and cultural recovery.

The Institute is sponsoring a series of events: performance, dance, new music. One performance, however, merits special mention, Purple Cross for Absent Now II, by Jochen Gerz, to be held at Cité de l'image, on the 29th of November. For information and tickets, contact the Musée d'art contemporain (873-2878) or the Goethe Institute (499-0159).

At the Musée d'art contemporain, the works of forty contemporary artists are gathered, including works by the Joseph Beuys. Beuys was the first post-war German artist to achieve international super-stardom, and his influence as an international figure and a teacher was extraordinary. Sadly, none of Beuys' masterworks are on view at Blickpunkte, the selection rather is mute and atypical. This is unfortunate, because in other respects the exhibition is a hodge-podge of late and new work by artists of very different stripes. The whole is confusing and unedifying. There is a two-volume catalogue, which provides some insight into the different artists' work, but in general the exhibition leaves the viewer with little clear idea of contemporary German art.

Individual works give clues to the state of

art in the last decade in West Germany. There are references to the splitting and forgetting that is an essential part of today's Germany. There is also extensive cultural borrowing (some would call it colonialism) that is so much a part of European culture today. The "romantic" German art of Wagner and the Blau Reiter school has seized on non-European cultures as typifying the lost Eden, now that the notion of an innocent Europe is finally dead and over. Lothar Baumgarten's Sans écriture, for example, is a rendering of the words "Kahnawake" and "Caughnawaga" on two separate canvases. Baumgarten invokes the names of vanished and threatened peoples in his work. At one point he inscribed the names of vanished inhabitants of Toronto around the rotunda at the Art Gallery of Ontario: "Ottawa, Iroquois, Algonkian", etc. This type of use of another's culture is always discomfiting. There is a thin, even imperceptible line, between use and abuse. One is reminded of the perpetual European mania for "mastering" foreign cultures, which seldom is allied with real progress for either side.

Olaf Metzel has assembled a massive room of computers, torn and blasted, still operating, under the title of Intelligence Service / A.M.T. Paintings by Gerhard Richter and Sigmar Polke, both nearly legendary painters at this point, are included. The selection of Polke's work does not do justice to Polke's deserved reputation, however, there is a Richter, called simply Grau, or Grey, that is a spectacular example of its type. Richter is known for his rapid change of style, from colourful abstract expressionistic gesture paintings, to lush, photo-realist and highly subjective works. His "grey series" was a retreat into pure painting, without gimmicks. Hard by Grau is a double painting also by Richter, called Doppelglasscheibe, in which two paintings on glass are locked in a metal frame, facing one another, about twelve inches apart. The frustrated viewer must

peer into the void to see glimmerings of the elegant surfaces within. Contemporary critics have written many words about why Richter constantly changes style, and, moreover, how he can get away with it in today's communications world, which insists on readily-indentifiable trademarks. Amusingly, the Richter works are hung all throughout the exhibition, because they "fit in" in so many spaces. They look great, everywhere.

Berndt and Hilda Becker, a team of photographers, undertook to photograph Europe's industrial sites, publishing series of photographs of towers and cranes and water reservoirs, and so forth. One lonely work is included in this exhibition, which says nothing about the intensity of the Beckers' cataloguing work and the cumulative sadness that their testimony inspires for what so clearly seems a time past. In the same room, Imi Knoebel's D.D.R. is a simple masonite box, too high to see into, flush to the wall. Beside this structure, there is a small, red, square. One can't help but wonder if this is a geographical reference to a walled-in place, and distant city.

Altogether there are over thirty artists represented in Blickpunkte. This is a blockbuster by anyone's definition, and worth seeing for the rarity of the work alone. But it's best to think of it as a kind of gigantic, enormous, "amuse-gueule" rather than a definitive statement of the state of German art now. Happily, that is far too complicated a question to be answered in one go.

The exhibition continues to 13 January. Admission to the museum is free. The Musée is closed Monday, but is open from 10 a.m. to 6 p.m. every other day of the week. There is regular bus service to the Musée, which is in the Cité du Havre in an old Expo building, but as for me, I'd rather throw myself in front of a train than go that way. More patient folks can board

cont'd. p.10



## Announcements, cont'd. from p. 4

Bram Freedman for your copy. And don't be amongst those who missed out! Buy the '89-'90 volume now from Bram!

\*\*\*\*\*

### LSR - National Newsletter

We are looking for people who would be interested in assisting in the production of the national LSR newsletter. We have a contract to put out four issues over the next 12 months. Initial responsibilities would involve production and subsequently expand to cover editing and solicitation of articles from LSR chapters across the country. If interested, leave a note in the LSR box in the LSA office or get a hold of Glenn McDonald at 271-0758.

\*\*\*\*\*

### International Terrorism & State Responsibility

The McGill International Law Society is honoured to announce that Professor L. Condorelli, Director of the International Law & International Organisations Department of the University of Geneva, will be giving a lecture on "State Responsibility & International Terrorism." La conférence du professeur Condorelli sera donnée principalement en français et aura lieu jeudi, le 26 octobre à 12h00 dans la salle 201. Bienvenue à tout le monde.

\*\*\*\*\*

### Law Games/Jeux 'Ridiques

Université de Montréal,  
3, 4, 5, 6 janvier 1990.

Jan. 3 - Welcoming Party  
Jan. 4 - Sports and Interfaculty Beer Hunt, Montreal Style  
Jan. 5 - Sports and Super "Beat the Clock" Party  
Jan. 6 - Sports and Closing Banquet at Hotel Bonadventure.

There will also be a team competition

**Law Symposium** which consists of presentations of research to a distinguished panel of judges, including the Honourable Justice Charles Gonthier of the Supreme Court of Canada.

**Registration:** \$25.00 for the games, \$20.00 for the banquet. Funded by L.S.A. Payment by cash or check payable to the L.S.A. Sports Committee by Nov. 1, 1989. Note: Members of the Committee will be in the Moot Court Wed. Oct. 25 from 12:00 to 14:00 to collect payment. Only 175 participants are allowed, so don't delay! For list of hotels and other details, please contact Sports Coordinator Jordan Waxman at 398-6966 or 286-1086.

\*\*\*\*\*

### Earn Big Bucks\$\$\$\$\$

Desperately seeking a typist!!! *Le Quid Novi* a besoin de quelqu'un(e) qui peut travailler les mercredis de 12h00 à 17h00. We offer competitive pay and very nice working conditions. Inquiries should be forwarded to Dan or Ron, c/o the LSA Office. A.S.A.P.

### Moscow; cont'd. from p. 7

maintaining a stable economy. The result has been a move towards small-scale privatisation throughout the communist world - from Hungary to China and Vietnam.

There remains one fundamental question to be answered: how far will Gorbachev permit his reformers to go in the struggle to create a strong Soviet economy. Keep your eye on Moscow because the changes are coming soon and they will have a profound effect on the future of communism.

## William Johnson is Coming to McGill

by James Hughes, BCL III

Mr William Johnson will be addressing law students on Wednesday, Oct. 25 at noon in room 202. Mr Johnson is a senior political columnist for the Montreal Gazette. He has written extensively on the impact of language and culture on the political landscape. This will also be the topic of his talk.

Mr Johnson has recently written:

"For those who are concerned about the future of Quebec within Canada, a non-separatist alternative to the (Quebec) Liberals is essential. Otherwise Jacques Parizeau's neo-separatist PQ will eventually come to power, as does every opposition eventually."

The title of Mr Johnson's speech will be "Post-Election Quebec: the Next Five Years". He will address the rise and opportunities of the Equality Party. He will also likely draw a picture of the effect of several prevailing myths in Quebec society and how these myths (e.g. the demographic threat) fuel nationalism in the province. The success of the Equality Party combined with the demystifying of Quebec society may together bring change to the political terrain in this province. As Johnson says:

"Trudeau's children (rights-conscious, pro-bilingualism, pro-federalism, French-speaking Quebecers) recently homeless, might yet build themselves a home in Quebec City."

### Special Issue

To conclude the fall term, *Quid Novi* will publish a special exam survival issue called Hedonism. The *Quid Novi* is now soliciting articles for this special issue, dedicated to the art of goofing off. Articles on diverse and pleasure-seeking topics may be submitted to the *Quid Novi* editors anytime before Wednesday, November 22 1989 for publication Tuesday, November 28. N'oubliez pas: vaut mieux rire pour ne pas pleurer (et écrivez s-v-p pour ne pas nous faire pleurer!!) Les plaisirs de l'argent et du sexe, les parfums goutal, les noeuds-papillons, Marie-Claude ... nous avons l'esprit ouvert!!!



## Coin des SPORTS Corner

Ciao bambini!

Highlights from the past week in intramural sports: The men's softball team slipped to a 1-1 record, after coming derailed by a lack of concentration committing 7 errors in the final inning of play. Meanwhile, Scott "André" Henderson continued his homerun string in helping the **LawWrecks** into the playoffs unbeaten in season play. Men's hockey began its season with a bang... and four goals to their opponent's none. The Michelins scored three of those (Rob: 2, Steve: 1); one coming on a key assist by Smoothy Blue Johnson. They now face an impending repeat encounter with the league's defending champions. Buzz's basketball team intimidated their opponents to default with the eerie

name "The Whatevers". The team looks very strong, with a good starting line and deep bench.

Autres nouvelles: Bientôt nous aurons un tournoi de Squash contre la Faculté de droit de l'université de Montréal. En même temps, il y aura des matchs de hockey contre eux! On est en train de planifier ces événements donc... lisez le Coin des Sports pour les détails.

Registration/Inscription pour les Jeux 'Ridiques/Law Games est en vigueur. Vous pouvez vous inscrire dans le pit tous les jours de 11h00 à 14h00 ou au Moot Court, Mercredi le 25 Octobre, entre midi et 14h00.

Arrivederci, Giordano

## "Grammar"

by Judith Knight, BCL III

Are we about to become legal councils who cannot cite the principle principals of good grammar? Should we not be libel for the voracity of the words printed on our stationary? Should we not sight properly those cases which compliment our lurid opinions concerning, let's say, predators? If our clients cite our errors, might they not waive our counsel, and waive "good-bye"? Their can be no doubt that our poor spelling is not a complement to our clients. Moreover, the veracity of a particular client could even involve a liable soot. So - its best to try to spell - and right - well. English grammar can be fun - it's principals are not difficult.

Doppelgaenger, cont'd. from p. 8

the 168 bus at the McGill station from Monday to Friday only. Otherwise try the STCUM group taxi service the Musée offers on weekends from noon to six p.m., at half hour intervals, from the Bonaventure Metro station direct to the Musée. It costs \$1 each way.

## UN ÉTÉ CONTENTIEUX?

par François Roberge  
et Geneviève Saumier, BCL III

We thought we had outgrown this particular back-to-school exercise, but even in Law School - at the request of the Careers Committee - here we are telling you "what we did last summer"...

Ayant tous deux travaillé au sein du contentieux d'une grande entreprise privée, voici un bref aperçu de notre expérience. Le contentieux en question compte une trentaine d'avocats et de notaires, ce qui le situe parmi les plus grands au Canada. Un total de sept étudiants - nombre élevé résultant de besoins exceptionnels - était affecté à différents départements fonctionnels: droit du travail, propriété intellectuelle, droit civil et litige (région du Québec), droit corporatif et commercial. Nos commentaires se limitent à notre expérience de travail dans le département

de droit corporatif.

As regards working conditions, all that can be said is that they were excellent: 8 to 5, Monday to Friday, evening and weekend hours were a rare occurrence; management pay scale and treatment; extensive library facilities and access to computerized research tools; and not the least, broad discretion in the execution of assigned projects.

En ce qui concerne le travail même, sauf exceptions dues à des urgences et besoins ponctuels, il s'agissait de recherche à long terme et de rédaction d'opinions portant sur divers aspects d'une question de droit donnée (par exemple: avantages et bénéfices aux employés, aspects contractuels et corporatifs; valeurs mobilières, réglementation fédérale et provinciale).

This streamlining is a function of both the needs of the legal department at a given time, and of the absence of a structured summer student program geared to future articling positions. Indeed, it must be understood that legal departments of major corporations are not in the business of training their future members, who are usually hired on the basis of prior professional experience.

En conclusion, notre expérience ne déborda pas le cadre des activités internes du département corporatif du contentieux qui, lui-même, répond aux besoins d'un seul client, soit l'entreprise dont il n'est qu'une composante. Bref, notre été fut agréable et instructif, l'expérience acquise dans d'excellentes conditions en étant davantage une de «juriste» que de «praticien» proprement dit.